

**Introduced by Committee on Health and Human Services
(Senators Ortiz (Chair), Aanestad, Alarcon, Chesbro, Escutia,
Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent)**

March 27, 2003

An act to amend Section 1771.7 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1076, as introduced, Committee on Health and Human Services. Continuing care retirement communities: resident satisfaction surveys.

Existing law provides for the regulation by the State Department of Social Services of activities relating to continuing care contracts that govern care provided to an elderly resident in a continuing care retirement community for the duration of the residents' life or a term in excess of one year.

Existing law imposes various requirements on continuing care providers including requirements that the provider permit the formation of a resident association by interested residents who may elect a governing body, and that the provider establish policies and procedures that promote the sharing of information, dialogue between residents and management, and access to the provider's governing body. Existing law further requires a continuing care provider to biannually conduct a resident satisfaction survey that would be made available to the resident association, its governing body, or to a committee of residents, and that would be posted in a conspicuous location at each facility.

This bill would require a continuing care provider to conduct this survey biennially, rather than biannually.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1771.7 of the Health and Safety Code
2 is amended to read:
3 1771.7. (a) No resident of any continuing care retirement
4 community shall be deprived of any civil or legal right, benefit, or
5 privilege guaranteed by law, by the California Constitution, or by
6 the United States Constitution solely by reason of status as a
7 resident of a community. In addition, because of the discretely
8 different character of residential living unit programs that are a
9 part of continuing care retirement communities, this section shall
10 augment Chapter 3.9 (commencing with Section 1599), Section
11 73523 of Title 22 of the California Code of Regulations, and
12 applicable federal law and regulations.
13 (b) All residents in residential living units shall have all of the
14 following rights:
15 (1) To live in an attractive, safe, and well maintained physical
16 environment.
17 (2) To live in an environment that enhances personal dignity,
18 maintains independence, and encourages self-determination.
19 (3) To participate in activities that meet individual physical,
20 intellectual, social, and spiritual needs.
21 (4) To expect effective channels of communication between
22 residents and staff, and between residents and the administration
23 or provider's governing body.
24 (5) To receive a clear and complete written contract that
25 establishes the mutual rights and obligations of the resident and the
26 continuing care retirement community.
27 (6) To maintain and establish ties to the local community.
28 (7) To organize and participate freely in the operation of
29 resident associations.
30 (c) A continuing care retirement community shall maintain an
31 environment that enhances the residents' self-determination and
32 independence. The provider shall do both of the following:
33 (1) Permit the formation of a resident association by interested
34 residents who may elect a governing body. The provider shall
35 provide space and post notices for meetings, and provide



1 assistance in attending meetings for those residents who request it.
2 In order to permit a free exchange of ideas, at least part of each
3 meeting shall be conducted without the presence of any continuing
4 care retirement community personnel. The association may,
5 among other things, make recommendations to management
6 regarding resident issues that impact the residents' quality of life.
7 Meetings shall be open to all residents to attend as well as to
8 present issues. Executive sessions of the governing body shall be
9 attended only by the governing body.

10 (2) Establish policies and procedures that promote the sharing
11 of information, dialogue between residents and management, and
12 access to the provider's governing body. The provider shall
13 ~~biannually~~ *biennially* conduct a resident satisfaction survey that
14 shall be made available to the resident association or its governing
15 body, or, if neither exists, to a committee of residents at least 14
16 days prior to the next semiannual meeting of residents and the
17 governing board of the provider required by subdivision (c) of
18 Section 1771.8. A copy of the survey shall be posted in a
19 conspicuous location at each facility.

20 (d) In addition to any statutory or regulatory bill of rights
21 required to be provided to residents of residential care facilities for
22 the elderly or skilled nursing facilities, the provider shall provide
23 a copy of the bill of rights prescribed by this section to each
24 resident at or before the resident's admission to the community.

25 (e) The department may, upon receiving a complaint of a
26 violation of this section, request a copy of the policies and
27 procedures along with documentation on the conduct and findings
28 of any self-evaluations and consult with the Continuing Care
29 Advisory Committee for determination of compliance.

30 (f) Failure to comply with this section shall be grounds for
31 suspension, condition, or revocation of the provisional certificate
32 of authority or certificate of authority pursuant to Section 1793.21.

